

**PATENT**/Docket No. BB1533USPCT

Serial No. 10/528,611

Page 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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Art Unit : 1646  
Examiner : Ruixiang Li, Ph.D.  
Applicant(s) : Gutteridge et al.  
Serial Number : 10/528,611  
Filed : 03/21/2005  
For : Isolation and Use of Ryanodine-Receptors

Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

This paper is filed in response to an Office Action mailed on May 15, 2007 the statutory period for response to end June 15, 2007.

**EXTENSION OF TIME**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant in these papers petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month thereby extending the period for timely response to July 15, 2007. Authorization is made to charge the appropriate amount to Deposit Account No. 04-1928. If any additional extension and/or fee is required to keep this application pending, please charge Account No. 04-1928.

**ELECTION**

Applicants elect **Group III** (directed to polypeptides) and **SEQ ID NO:128**

**TRAVERSAL OF THE REQUIREMENT**

Applicants note that this application is a US national stage application filed through the Patent Cooperation Treaty. MPEP Section 1850 requires that for a restriction to proper in such a

PATENT/Docket No. BB1533USPCT

Serial No. 10/528,611

Page 2

case the Examiner must justify his requirement for restriction by addressing whether or not the application claims a "single general inventive concept".

The Examiner asserts that Takashima et al is novelty destroying for claims 1-5 and 7-9 and that therefore the application does not claim a single inventive concept. Without acquiescing to that characterization, Applicants note that they have eliminated reference to a nucleic acid encoding SEQ ID NO: 128 in Claim 1 and SEQ ID NO:127 in Claim 6 in a preliminary amendment filed herewith as coverage for these nucleic acid sequences have already been obtained in a related case (now Patent No. 7,205,147).

Applicants would therefore respectfully request that the requirement be withdrawn.

Respectfully submitted,

Date: 7-16-07

Reg. No.: 34,703

Tel. No.: 302-992-4123



Edward Francis Rehberg

E. I. DuPont de Nemours and Company

Legal Patent Records Center

Barley Mill Plaza 25/1128

4417 Lancaster Pike

Wilmington, DE 19805